

REMARKS

Claims 1-32 are pending in this application, claims 22-32 are withdrawn from consideration. In response to Applicants' Pre-Appeal Brief Request for Review filed February 15, 2008, a Notice of Panel Decision was mailed on March 20, 2008. The Final Rejection of January 14, 2008 was withdrawn and a new Office Action was mailed on April 30, 2008.

The Examiner has again raised substantially the same grounds of rejection of claims 1-5, 7, 8, 10, 12-18, 20 and 21 under 35 U.S.C. § 102(e) alleging anticipation by U.S. Pat. No. 6,441,481 to Karpman (hereinafter "Karpman"). Claims 6 and 11 are rejected under 35 U.S.C. § 103(a) over Karpman and claims 9 and 19 stand rejected under 35 U.S.C. § 103(a) over Karpman in view of U.S. Pat. No. 6,309,910 to Haba et al. (hereinafter "Haba").

Independent claims 1 and 13 are amended herein to more particularly point out and positively recite the present invention. No new matter has been added.

Applicants submit that amended claim 1 is not anticipated by Karpman because Karpman does not teach simultaneously mounting terminals of a terminal bearing element to a plurality of spaced-apart caps projecting upwardly from a main surface of at least a portion of a wafer, the spaced-apart caps defining a plurality of channels between the caps. Specifically, Karpman teaches "The cap wafer 20 then is pressed to the frit glass 22 to hermetically seal the microstructures, as shown in FIG. 8." Karpman, Col. 5 ll.11-12. Furthermore, Karpman teaches ". . . the cap wafer 20 is prefabricated with individual circuits 30 along its surface." Karpman, Col. 5 ll.17-18. Clearly, Karpman does not teach mounting the terminals simultaneously on a plurality of spaced-apart caps where the spaced-apart caps define a plurality of channels between the caps. Rather, in stark contrast, Karpman teaches mounting circuitry on a single continuous cap wafer. For example, FIG. 10 of Karpman clearly discloses that circuitry 32 is mounted on single continuous

cap wafer 20; there are no spaced-apart caps that define a plurality of channels between the caps.

Amended claim 1 recites simultaneously mounting terminals of a terminal bearing element to a plurality of spaced-apart caps projecting upwardly from a main surface of at least a portion of a wafer, the spaced-apart caps defining a plurality of channels between the caps.

As used in claim 1, the term "spaced-apart" is given the normal meaning, such that for example, the spaced-apart caps define "depressions in the form of channels between the caps" as disclosed in the present application at paragraph [0032].

An exemplary embodiment is described at paragraph [0036] of the present application: "[b]y assembling the tape to the wafer, terminals and leads are assembled to a large number of caps 14 simultaneously. In the particular embodiment shown [in FIGS. 5 and 6], the terminals [36] are assembled to all of the caps [14] on the entire wafer [10] in a single operation."

As stated above, in Karpman's method, a terminal-bearing element incorporating an array of terminals is not assembled with a wafer having spaced-apart caps so as to mount the terminals simultaneously on the plurality of spaced-apart caps. Rather, Karpman teaches a different method, that is, mounting circuitry on a continuous cap wafer, and then separating the cap wafer into individual capped regions. Applicants assert that Karpman teaches away from Applicants' invention:

"After the cap wafer 20 is sealed to the substrate wafer 10, the next step in the process of the invention is to separate the cap wafer so that unnecessary portions of the cap wafer are removed and access can be gained to the underlying portions of the substrate wafer. FIG. 12 shows this step of the invention." Karpman, Col. 5 11.50-55. [emphasis added]. This cap wafer limitation is also evident by the process flow sequence disclosed in Karpman as depicted in figures 6-16 and

as described in the associated detailed description. *Karpman*, Col. 5 ll.1 — Col. 6 ll.24.

Additionally, *Karpman* teaches away from the method recited in claim 3, wherein the terminal-bearing element includes leads aligned with channels between the spaced-apart caps. Quite clearly, *Karpman's* method would not work in the process recited in claim 3 because the wafer saw used in *Karpman's* method to cut the wafer would damage the leads of the previously attached terminal bearing element which are aligned with the channels between the caps.

Since *Karpman's* method does not mount terminals 30 simultaneously to any spaced-apart caps, and only mounts terminals 30 to a single cap wafer 20, this element of amended claim 1 is not met by *Karpman*.

Applicants respectfully submit that the invention recited in claim 13 is not taught by *Karpman*. Amended claim 13 requires simultaneously mounting terminals of a terminal-bearing element to structure defining an upper surface above a main surface of a wafer wherein the structure has depressions extending towards the main surface of the wafer. Similar to the discussion above, there are no depressions in the cap wafer described in *Karpman* at the time the terminal bearing element is assembled thereto. Again, *Karpman* teaches that the cap wafer is only cut after attaching circuitry thereto.

Based on the foregoing, *Karpman* does not anticipate either claim 1 or claim 13 of the present application. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection of claims 1 and 13. Applicants also respectfully assert that claims 2-5, 7, 8, 10, and 12 are allowable, at least because they depend from claim 1, and that claims 12-18, 20 and 21 are allowable, at least because they depend from claim 13. Applicants, therefore, respectfully request that the § 102(e) rejection of claims 1-5, 7, 8, 10, 12-18, 20 and 21 be withdrawn.

With respect to the § 103(a) rejection of claims 6 and 11 over *Karpman*, Applicants respectfully assert that

claims 6 and 11 are allowable because they depend from claim 1 which, as set forth above, is believed to be allowable. Similarly, Applicants respectfully assert that claims 9 and 19 are allowable because they depend from claims 1 and 13, respectively, which, as set forth above, are believed to be allowable and because the addition of *Haba* does not overcome the deficiencies of *Karpman* with respect to claims 1 or 13. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 6, 9, 11 and 19.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 30, 2008

Respectfully submitted,

By \_\_\_\_\_

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